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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,817	12/29/2003	Naruhide Kitada	9319M-000621	1900
27572	7590	09/16/2008		
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BLOOMFIELD HILLS, MI 48303				
EXAMINER				
KASSA, HILINA S				
ART UNIT		PAPER NUMBER		
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MAIL DATE		DELIVERY MODE		
09/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/747,817

**Applicant(s)**

KITADA ET AL.

**Examiner**

HILINA S. KASSA

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

1. The amendment submitted on 06/18/2008 has been acknowledged. Claims 33-34 are pending.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 33-34 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. (US Patent Number 6,348,971 B2) in view of Morikawa et al. (US Patent Number 7,027,169 B1).

### **Regarding claim 33:**

As shown in figure 1, Owa et al. disclose a distributed print management server (3, figure 1) that is connected to a plurality of printers (2a-2d, figure1) through a network (4, figure 1), divides print data into a plurality of print jobs and stores the print

jobs (**column 8, lines 17-23; note that the generated print data which is also divided into print page and get stored in the management table**), wherein:

said distributed print management server:

identifies one of the plurality of print jobs as one print job to be printed (**column 8, lines 23-25; note that the printer selection means selects the appropriate printer based upon user information**);

provides a distributed print start notification at least some of said plurality of the plurality of printers (**column 8, lines 30-38; note that when a document print command is entered, the user information selection means selects the appropriate printer for the specified print data**);

selects one printer from among the plurality of printers that have issued an acquisition request for the one print job, the one printer being most appropriate for the one print job based on printing capabilities (**column 8, lines 39-44; note that the appropriate printer gets selected amongst other printers based on the capabilities i.e. color or monochrome**) and status information of the plurality of printers (**column 8, lines 39-58; note that the printer gets selected based on the status or state**); and

assigns the one print job to one printer by sending print data of the one print job to the one printer (**column 8, lines 46-48; note that based on the selection the print page is converted into print data so that its it printed at an appropriate**).

Owa et al. discloses all of the subject matter as described as above except for specifically teaching sending print wait notification to other printers of the plurality of printers.

However, as shown in figure 6A, Morikawa et al. discloses sending print wait notification to other printers of the plurality of printers (**column 5, lines 52-58; note that as the optimum or managing printer is selected to process the print job, a message is sent to the other non-selected printers to inform that the job is being processed at the selected managing printer**).

Owa et al. and Morikawa et al. are combinable because they are from the same field of endeavor i.e. distributing network printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art to send print wait notification to other printers of the plurality of printers. The suggestion/motivation for doing so would have been to efficiently distribute print jobs. Therefore, it would have been obvious to combine Owa et al. with Morikawa et al. to obtain the invention as specified in claim 33.

5. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Owa et al. (US Patent Number 6,348,971 B2) and Morikawa et al. (US Patent Number 7,027,169 B1), and further in view of Fertlitsch et al. (US Publication Number 2002/0089691 A1).

**Regarding claim 34:**

Owa et al. and Morikawa et al. disclose all of the subject matter as described as above except for specifically teaching wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up.

However, Fertlitsch et al. disclose wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up (**paragraph [0123], lines 1-3; note that a preference is given to a printer by taking account the warm up cycles**).

Owa et al., Morikawa et al. and Fertlitsch et al. are combinable because they are from the same field of endeavor i.e. distributing network printing. At the time of the invention, it would have been obvious to a person of ordinary skilled in the art wherein the distributed print management server selects the one printer from among the plurality of printers based on which print can complete the print job in a shortest time from warm-up. The suggestion/motivation for doing so would have been to conserve energy and time by using a printer which has been just used instead of using another printer and waste energy and time to warm it up. Therefore, it would have been obvious to combine Owa et al. with Morikawa et al. to obtain the invention as specified in claim 34.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Hilina Kassa whose telephone number is (571) 270-1676.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore could be reached at (571) 272- 7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system, see <http://pari-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/747,817  
Art Unit: 2625

Page 7

/Hilina S Kassa/  
Examiner, Art Unit 2625  
September 8, 2008

/David K Moore/  
Supervisory Patent Examiner, Art Unit 2625